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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,993	07/17/2003	Samuel Wayne Buff	BUFSAM P01AUS	9992

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DAVIS & BUJOLD, P.L.L.C.
FOURTH FLOOR
500 N. COMMERCIAL STREET
MANCHESTER, NH 03101-1151

EXAMINER

GORDON, STEPHEN T

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,993

Applicant(s)

BUFF, SAMUEL WAYNE

Examiner

Stephen Gordon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1-5-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 9, 11-12, and 14-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species. Applicant timely traversed the restriction (election) requirement in the reply filed on 7-9-04. Applicant should note, if any withdrawn claims are ultimately found to depend from an allowable generic claim, such withdrawn claims will be rejoined with the application. Finally, after detailed review of the claims, it is noted claim 18 additionally reads on a non-elected embodiment only and has been included with the withdrawn claims.

2. Applicant's election with traverse of the species of figures 12, 4A, and 8 in the reply filed on 7-9-04 is acknowledged. The traversal is on the ground(s) that the embodiments comprise a single inventive concept. This is not found persuasive because the defined embodiments contain potentially patentably distinct material of sufficiently divergent nature to warrant the requirement.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 2-7, 10, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 2, line 2 is somewhat confusing, and "a front" and "a rear" could be replaced with –said front—and –said rear—respectively to correct the claim in this regard as best understood.

Re claim 4, line 1 is somewhat awkward, and "is" should apparently be deleted from the line to correct the claim.

Re claim 5, "the adjustable member" lacks clear antecedent basis as such members are recited in the base claim 1 and at the end of intervening claim 3. If "an" in claim 3 – line 3 were replaced with –said–, clear antecedent basis would be present for the term in claim 5. Additionally, the recited head in line 3 apparently constitutes a double inclusion of the head recited in the base claim. Such apparent double inclusion additionally causes the term "the head" near the end of the claim to lack clear antecedent basis. If –said head being—were inserted after "with" of line 2, these issues regarding recitations of the head would be corrected as best understood.

Re claim 6, the recited leg in line 1 apparently constitutes a double inclusion of the leg recited in the base claim. Such apparent double inclusion additionally causes the term "the central leg" near the end of the claim to lack clear antecedent basis. If –said leg is a central leg which—were inserted in place of "a central leg" of line 1, these issues regarding recitations of the leg would be corrected as best understood. Additionally, line 2 is slightly awkward, and –is— should apparently be inserted after "which" to correct the line.

Re claim 7, "the central leg" lacks clear antecedent basis. Additionally, "both opposed sides" lacks clear antecedent basis and could be written as –two opposed sides—for clarity.

Re claim 10, "the leg" lacks clear antecedent basis due to the apparently double inclusion issues with intervening claim 6. Additionally, "of to" in the last line should be –of—to remove awkwardness.

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While a complete action on the merits for withdrawn claim 11 has not been included herein, in an effort to expedite prosecution it is noted that "the leg" lacks clear antecedent basis due to the apparently double inclusion issues with intervening claim 6.

While a complete action on the merits for withdrawn claim 17 has not been included herein, in an effort to expedite prosecution it is noted that "the enlarged opening" lacks clear antecedent basis. Additionally, "support leg" should apparently be —said support strut— for clarity.

While a complete action on the merits for withdrawn claim 18 has not been included herein, in an effort to expedite prosecution it is noted that "the support leg" lacks antecedent basis. Additionally, "the central leg" lacks clear antecedent basis.

Re claim 19, "the slot" in line 12 lacks clear antecedent basis and could be written as —the slot of said one of the base members— for clarity in this regard as best understood.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17b
8/4/04

5. Claims 1, 4, 6-8, 10, and ~~19~~ 20, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Lechner.

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Lechner teaches a cargo securing system including a base member 12+, a slot and a communicating recess formed in the channel of member 12 (see figure 5), an adjustable member with a head 28+ and leg 30+, a first interlocking structure 24a and 26a, and a second interlocking structure 32 and 34 as broadly claimed. Lechner teaches attachment holes 44.

Re claim 10, element 30 defines an eyelet as broadly claimed.

Re claim 19, the device is designed for use with tie straps as broadly claimed.

6. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 2, 3, and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Ruegg additionally teaches an adjustable member mounted in an elongated base/track for receiving strap elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Stephen Gordon 8-4-04".

Stephen Gordon
Primary Examiner
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stg